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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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mail@davidjudson.com

Office Action Summary

Application No.

09/690,213

Applicant(s)

MAMDANI ET AL.

Examiner

KHAWAR IQBAL

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-12, 14-34, 36-37, 40-43, 47-49 and 51-53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-12, 14-34, 36-37, 40-43, 47-49 and 51-53 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1, 30, 47 and 48 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The meaning of claim 1 is unclear. What is meant by "a second transaction code" what is second transaction code, where does "second transaction code" from and where is relationship with other limitation.

The meaning of claim 30 is unclear. What is meant by "a second transaction code" what is second transaction code, where does "second transaction code" from and where is relationship with other limitation.

The meaning of claim 47 is unclear. What is meant by "a second transaction code" what is second transaction code, where does "second transaction code" from and where is relationship with other limitation.

The meaning of claim 48 is unclear. What is meant by "a second transaction code" what is second transaction code, where does "second transaction code" from and where is relationship with limitations.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3, 5-12, 14-25, 30, 34, 36-37, 40-43, 47-49 and 51-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis (20030105641) in view of Hymel et al (WO 00/03328) and Melick et al (20070246538).

Regarding claim 1 Lewis teaches a method for facilitating a wireless transaction, the wireless transaction involving a purchase action with respect to a product or service, and a fulfillment action associated with the purchase action, the fulfillment action involving personal bodily entry into or through a physical structure using a wireless communication device (cell phone 112,182), comprising (figs. 5 and 7):

at a first time, receiving a wireless transaction request from a transaction requester seeking, at second time, personal bodily entry into or through a the physical structure using a the wireless communications device (cell phone 112,182), the wireless transaction request initiating the purchase action with respect to the product or service over a wireless communication link (186) (a computer system 18 provides a screen {display} to a cell phone 112,182, when it accesses the system over Internet {using cellular service 186}). The display has information relating to the selection of an event, purchasing of an electronic ticket fig.4 include barcode 42 for the event, payment for the electronic ticket) (para. # 0027);

in response to the wireless transaction request and an approval of the purchase action with respect to the product or service, receiving over the wireless communication link, by a the wireless communication device, a first transaction code representative capable for authorizing the fulfillment action at a point of fulfillment (generating the ticket to gain entrance at the event, an UPC (barcode 42) displayed on a display associated with the device 182. The validation system (24) validates the electronic ticket include barcode 42 (22) to allow entrance into the event) (para. # 0027, 0030-0031);

displaying the first transaction code on a visual display of the wireless communication device (presenting an code on a screen associated with the cell phone 112, also see fig. 4, element 42, para. # 0027); and

at the second time and at the point of fulfillment, the first transaction code from the wireless communication device permitting to permit the personal bodily entry into or through the physical structure to complete the wireless transaction, and at a third time distinct from the first time and the second time, optically scanning a second transaction code from the visual display of the wireless communication device to complete the wireless transaction (para. # 0027, 0030-0031, fig. 2, 5-7). Lewis does not specifically teach in detail at a third time distinct from the first time and the second time, optically scanning a second transaction code from the visual display of the wireless communication device to complete the wireless transaction.

In a similar field of endeavor, Hymel et al teaches a third time distinct (next coupon display and redeem) from the first time and the second time, optically scanning a second transaction code from the visual display of the wireless communication device

to complete the wireless transaction, optically scanning the first transaction code from the wireless communication device (displaying stored user information on the SCR10 in bar code format such that the stored user information can be read at the point-of-sale by scanner see step 182, user select addition coupons to redeem one by one [at least two coupon, each have bar code scanned one by one] and the old coupon are deleted and next coupon is displayed and goes through the coupon redemption cycle again, fig. 9, page 9, line 2-page 10, line 3, page 11, lines 14-20). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Lewis by specifically adding optically scanning the first transaction code from the wireless communication device it for the purpose of increasing the efficiency of communication system, providing demographic information and to redeem code for users of selective call receiver as taught by Hymel et al. Hymel et al further teaches that transmitting a message to the wireless communications device indicating that the wireless transaction has been fulfilled (page. 12, lines 6-11). Hymel et al teaches user information is stored in the selective call receiver and providing information in bar code format on a display (28, fig. 1) SCR (mobile station). The display can display information in bar code format (Figs. 2 and 3). The information in bar code format can include user information in bar code format or an affinity code and an identifier in bar code format (page 4. line 3-13, The computer 138 may then instruct the messaging system 148 to send a message to the user's SCR to notify the user of the total coupon discounts that were applied in step 188). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Lewis by

specifically adding a message to the wireless communications device indicating that the wireless transaction has been fulfilled it for the purpose of providing notification base on accepted transaction for increasing the efficiency of communication system as taught by Hymel et al. Lewis teaches that the ticket 40 has an area 42 in which a code, such as an universal product bar code (UPC) see fig. 2, or a unique identifier code. Although an UPC has been described other codes, such as alphanumeric type codes, are possible and contemplated for use by the system 10 (para. # 0024). Lewis and Hymel et al do not specifically teach the first transaction code being a two dimensional image that encodes information in two dimensions.

In a similar field of endeavor, Melick teaches the first transaction code being a two dimensional (2D) image that encodes information in two dimensions (para. # 0035, 0041). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Lewis and Hymel et al by specifically adding transaction code being a two dimensional it for the purpose of increasing the efficiency of communication system, minimizes the need for middleware, and effectively reads standardized bar code symbology taught by Melick.

Regarding claim 48 Lewis teaches method for facilitating a wireless transaction, the wireless transaction involving a transaction request and an authorization with respect to a product or service, and a fulfillment event associated with the transaction request and authorization, the fulfillment event occurring at a point of fulfillment using a wireless communication device, and wherein the fulfillment event is conditioned upon the transaction request and authorization, comprising (figs. 4-5 and 7):

receiving, at a transaction apparatus and over a wireless communication link, a wireless the transaction request for a user selected wireless transaction; in response to the received user selected transaction request, determining whether the authorization has been obtained (para. # 0027, 0030-0031);

if the authorization has been obtained, communicating an transaction code from the transaction apparatus to a wireless communication device, the transaction code being capable from the wireless communication device and verified for authorizing the fulfillment event at the point of fulfillment to complete the wireless transaction (para. # 0027, 0030-0031). Lewis does not specifically teach in detail at a third time distinct from the first time and the second time, optically scanning a second transaction code from the visual display of the wireless communication device to complete the wireless transaction.

In a similar field of endeavor, Hymel et al teaches a third time distinct (next coupon display and redeem) from the first time and the second time, optically scanning a second transaction code from the visual display of the wireless communication device to complete the wireless transaction, optically scanning the first transaction code from the wireless communication device (displaying stored user information on the SCR10 in bar code format such that the stored user information can be read at the point-of-sale by scanner see step 182, user select addition coupons to redeem one by one [at least two coupon, each have bar code scanned one by one] and the old coupon are deleted and next coupon is displayed and goes through the coupon redemption cycle again, fig. 9, page 9, line 2-page 10, line 3, page 11, lines 14-20). Therefore, it would have been

obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Lewis by specifically adding optically scanning the transaction code from the wireless communication device it for the purpose of increasing the efficiency of communication system, providing demographic information and to redeem code for users of selective call receiver as taught by Hymel et al. Hymel et al further teaches transmitting a message to the wireless communications device indicating that the wireless transaction has been fulfilled (page. 12, lines 6-11). Hymel et al teaches user information is stored in the selective call receiver and providing information in bar code format on a display (28, fig. 1) SCR (mobile station). The display can display information in bar code format (Figs. 2 and 3). The information in bar code format can include user information in bar code format or an affinity code and an identifier in bar code format (page 4. line 3-13, The computer 138 may then instruct the messaging system 148 to send a message to the user's SCR to notify the user of the total coupon discounts that were applied in step 188). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Lewis by specifically adding a message to the wireless communications device indicating that the wireless transaction has been fulfilled it for the purpose of providing notification base on accepted transaction for increasing the efficiency of communication system as taught by Hymel et al. Lewis and Hymel et al do not specifically teach the first transaction code being a two dimensional image that encodes information in two dimensions.

In a similar field of endeavor, Melick teaches the first transaction code being a two dimensional (2D) image that encodes information in two dimensions (para. # 0035,

0041). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Lewis and Hymel et al by specifically adding transaction code being a two dimensional it for the purpose of increasing the efficiency of communication system, minimizes the need for middleware, and effectively reads standardized bar code symbology taught by Melick.

Regarding claim 2 Hymel et al teaches wherein receiving the first transaction code includes receiving a first optically scannable transaction code (page 4, lines 5-15, page 6, lines 11-15, fig.2, see claim 1 above).

Regarding claims 3,49 Hymel et al teaches wherein receiving the first optically scannable transaction code includes receiving a first transaction barcode (page 4, lines 3-15, page 6, lines 11-15 fig.2, 3, see claim 1 above).

Regarding claims 5, 51 Hymel et al teaches communicating the first transaction code from a transaction apparatus to the wireless communication device (page 4 lines 3-5, see claim 1 above).

Regarding claims 6-8 Hymel et al teaches wherein communicating the first transaction code includes communicating the first transaction code directly from the transaction apparatus to the wireless communication device (page 6, lines 11-36, see claim 1 above).

Regarding claim 9 Hymel et al teaches further comprising: verifying the first transaction code in response to scanning the transaction code (page 10, lines 1-20, see claim 1 above).

Regarding claim 10 Hymel et al teaches wherein verifying the first transaction code includes communicating a decoded representation of the first transaction code from a transaction fulfillment system of a transaction apparatus to a transaction management system of the transaction apparatus (page 10, lines 16-25, see claim 1 above).

Regarding claim 11 Hymel et al teaches receiving, by the wireless communication device, a second transaction code after verifying the first transaction code (page 7, lines 7-32, page 8, line 26, page 9, line 10, see claim 1 above).

Regarding claims 12, 52 and 53 Hymel et al teaches wherein second transaction code differs from the first transaction code (page 8, line 26, page 9, line 1, page 10, line 25, page 7, lines 7-32).

Regarding claim 14 Hymel et al teaches communicating the second transaction code from a transaction apparatus to the wireless communication device (page 8, line 26, page 9, line 10, page 7, lines 7-32, see claim 1 above).

Regarding claim 15 Hymel et al teaches communicating the second transaction code includes communicating the second transaction code directly from the transaction apparatus to the wireless device (page 8, line 26, page 9, line 10, and page 7, lines 7-32, see claim 1 above)

Regarding claim 16 Hymel et al teaches wherein communicating the second transaction code directly from the transaction apparatus includes communicating the second transaction code from a radio transceiver of the transaction apparatus to a radio

transceiver of the wireless communication device (page 7, lines 7-32, page 8, line 26, page 8, line 10, see claim 1 above).

Regarding claim 17 Hymel et al teaches wherein communicating the second transaction code from the radio transceiver of the transaction apparatus includes communicating the second transaction code from a transaction fulfillment system of the transaction apparatus (page 8, line 26, page 8, line 10, page 12, lines 1-12 page 7, lines 7-32, see claim 1 above).

Regarding claim 18 Hymel et al teaches, further comprising: optically scanning the second transaction code from the visual display of the wireless communication device; verifying the second transaction code; and receiving, by the wireless communication device, a transaction fulfillment message (page 8, line 26, page 8, line 10, page 12, lines 1-12 page 7, lines 7-32, see claim 1 above).

Regarding claim 19 Hymel et al teaches further comprising: communicating the transaction fulfillment message from a transaction apparatus to the wireless communication device (page 12, lines 1-12 page 7, lines 7-32, see claim 1 above).

Regarding claim 20 Hymel et al teaches where communicating the transaction fulfillment message includes communicating the transaction fulfillment message directly from the transaction apparatus to the wireless communication device (page 12, lines 1-12 page 7, lines 7-32, see claim 1 above).

Regarding claim 21 Hymel et al teaches wherein communicating the transaction fulfillment message directly from the transaction apparatus includes communicating the transaction fulfillment message from a radio transceiver of the transaction apparatus to

a radio transceiver of the wireless communication device (page 12, lines 1-12 page 7, lines 7-32, see claim 1 above).

Regarding claim 22 Hymel et al teaches wherein communicating the transaction fulfillment message from the radio transceiver of the transaction apparatus includes communicating the transaction fulfillment message from a transaction fulfillment system of the transaction apparatus (page 12, lines 1-12 page 7, lines 7-32, see claim 1 above).

Regarding claim 23 Hymel et al teaches wherein verifying the second transaction code includes communicating a decoded representation of the second transaction code from a transaction fulfillment system of a transaction apparatus to a transaction management system of the transaction apparatus (page 12, lines 1-12 page 7, lines 7-32, see claim 1 above).

Regarding claims 24,25 Hymel et al teaches receiving, at a transaction apparatus, a transaction request from a transaction requester; verifying an identity of the transaction requester, and communicating the first transaction code from the transaction apparatus to the wireless communication device after verifying the identity of the transaction requester and wherein receiving the transaction request includes receiving the transaction request from the wireless communication device of the transaction requester (page 7, line 30-page 8, line 9, page 10, lines 5-13 and 20-25, see claim 1 above).

Regarding claim 30 Lewis teaches a system for facilitating a wireless transaction, the wireless transaction involving a purchase action with respect to a product or service, and a fulfillment action associated with the purchase action, the fulfillment action

involving personal bodily entry into or through a physical structure using a wireless communication device, comprising (figs. 4-5 and 7):

a wireless communication device capable of (cell phone 112,182):

receiving a transaction code capable of being displayed on the wireless communication device and authorizing the fulfillment action at a point of fulfillment (presenting an UPC code on a screen associated with the cell phone 112, also see fig. 4) (para. # 0027.0030); and

displaying the transaction code on a visual display of the wireless communication device (para. # 0027.0030); and

a transaction apparatus capable of:

receiving, over a wireless communication link, a wireless transaction request to from a transaction requester seeking personal bodily entry into or through the physical structure using the wireless communication device (para. # 0027.0030-0031);

verifying an identity of the transaction requester (para. # 0027.0030-0031);

approving the purchase action with respect to the product or service (para. # 0027.0030-0031);

communicating a transaction code to the wireless communication device and the transaction code from the visual display of the wireless communication device personal bodily entry into or through a physical structure at the point of fulfillment to complete the wireless transaction (para. # 0027, 0030-0031). Lewis does not specifically teach in detail at a third time distinct from the first time and the second time,

optically scanning a second transaction code from the visual display of the wireless communication device to complete the wireless transaction.

In a similar field of endeavor, Hymel et al teaches a third time distinct (next coupon display and redeem) from the first time and the second time, optically scanning a second transaction code from the visual display of the wireless communication device to complete the wireless transaction, optically scanning the first transaction code from the wireless communication device (displaying stored user information on the SCR10 in bar code format such that the stored user information can be read at the point-of-sale by scanner see step 182, fig. 9, page 9, line 2-page 10, line 3, page 11, lines 14-20). Hymel et al also teaches user information is stored in the selective call receiver. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Lewis by specifically adding optically scanning the first transaction code from the wireless communication device it for the purpose of increasing the efficiency of communication system, providing demographic information and to redeem code for users of selective call receiver as taught by Hymel et al. Hymel et al teaches and transmitting a message to the wireless communications device indicating that the wireless transaction has been fulfilled (page. 12, lines 6-11). Hymel et al teaches user information is stored in the selective call receiver and providing information in bar code format on a display (28, fig. 1) SCR (mobile station). The display can display information in bar code format (Figs. 2 and 3). The information in bar code format can include user information in bar code format or an affinity code and an identifier in bar code format (page 4. line 3-13, The computer 138 may then instruct the

messaging system 148 to send a message to the user's SCR to notify the user of the total coupon discounts that were applied in step 188). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Lewis by specifically adding a message to the wireless communications device indicating that the wireless transaction has been fulfilled it for the purpose of providing notification base on accepted transaction for increasing the efficiency of communication system as taught by Hymel et al. Hymel et al and Lewis do not specifically teach code being a two dimensional code.

In a similar field of endeavor, Melick teaches code being a two dimensional code (para. # 0035, 0041). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Lewis and Hymel et al by specifically adding transaction code being a two dimensional it for the purpose of increasing the efficiency of communication system, minimizes the need for middleware, and effectively reads standardized bar code symbology taught by Melick.

Regarding claims 34, 36, 37 Hymel et al teaches wherein the transaction apparatus is coupled to a telecommunication network system for enabling communication with the wireless communication device (fig. 7, 10), wherein the transaction apparatus is coupled to a telecommunication network system for enabling communication with the wireless communication device and wherein the transaction apparatus is coupled to the telecommunication network through a computer network system (page 6, lines 23-36, page 12, line 33-page 13, line 5, page 13 lines 29-37, page 14, line 3-37, see clam 30).

Regarding claims 40-43 Hymel et al teaches wherein the transaction apparatus includes a code scanning device for optically scanning the transaction code, wherein the code scanning device includes a bar code reader and wherein the transaction apparatus and the wireless communication device each include a radio transceiver for enabling, communication directly between the wireless communication device and the transaction apparatus (page 9 line 32-page 10, line 25, see claim 30).

Regarding claim 47 Lewis teaches a method for facilitating a wireless transaction, the wireless transaction involving a transaction request and an authorization with respect to a product or service, and a given action associated with the transaction request and authorization, the given action involving personal bodily access into a physical location using a wireless communication device, and wherein the given action is conditioned upon the transaction request and authorization, comprising (figs. 4-5 and 7):

at a first time, receiving the transaction request from a transaction requester using a wireless communications device (para. # 0027, 0030);

receiving, by said wireless communication device, a first transaction code in response to said the authorization of the transaction request, the first transaction code being a code capable of being output from the wireless communication device and authorizing the given action (para. # 0027, 0030-0031);

outputting the first transaction code on a visual display of the wireless communication device (para. # 0027, also see claim 1);

a second time distinct from the first time, optically scanning the first transaction code from the wireless communication device to permit personal bodily entry into the physical location to complete the wireless transaction (para. # 0027, 0030-0031, figs. 4-5 and 7, for detail see claim 1);

wherein personal bodily access into the physical location or structure is enabled only if transaction code scanned at the respective (a computer system 18 provides a screen {display} to a cell phone 112,182, when it accesses the system over Internet {using cellular service 186}). The display has information relating to the selection of an event, purchasing of an electronic ticket fig.4 include barcode 42 for the event, payment for the electronic ticket, transaction barcode 42 scanned at the respective, para. # 0027, see also claim 1). Lewis does not specifically teach in detail at a third time distinct from the first time and the second time and while the wireless transaction remains only partially complete, optically scanning a second transaction code from the visual display of the wireless communication device to complete the wireless transaction

In a similar field of endeavor, Hymel et al teaches at a third time (next coupon display and redeem) distinct from the first time and the second time and while the wireless transaction remains only partially complete, optically scanning a second transaction code from the visual display of the wireless communication device to complete the wireless transaction (displaying stored user information on the SCR10 in bar code format such that the stored user information can be read at the point-of-sale by scanner se step 182, fig. 9, page 9, line 2-page 10, line 3, page 11, lines 14-20). Hymel et al also teaches user information is stored in the selective call receiver. Therefore, it

would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Lewis by specifically adding optically scanning the first transaction code from the wireless communication device it for the purpose of increasing the efficiency of communication system, providing demographic information and to redeem code for users of selective call receiver as taught by Hymel et al.

Lewis and Hymel et al do not specifically teach code being a two dimensional code.

In a similar field of endeavor, Melick teaches the first transaction code being a two dimensional (2D) image that encodes information in two dimensions (para. # 0035, 0041). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Lewis and Hymel et al by specifically adding transaction code being a two dimensional it for the purpose of increasing the efficiency of communication system, minimizes the need for middleware, and effectively reads standardized bar code symbology taught by Melick.

Claims 26-29, 31-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis (20030105641) and further in view of Hymel et al (WO 00/03328), Ulvinen et al (6393305) and Melick et al (20070246538).

Regarding claims 26-29, 31-33 Lewis teaches a method for facilitating a wireless transaction, the wireless transaction involving a purchase action with respect to a product or service, and a fulfillment action associated with the purchase action, the fulfillment action involving personal bodily entry into or through a physical structure using a wireless communication device, comprising (figs. 4-5 and 7):

communicating, over a wireless communication link, a wireless transaction request from the wireless communication device to a transaction apparatus on behalf of a transaction requester seeking personal bodily entry into or through a the physical structure using a the wireless communication device (para. # 0027, 0030-0031, figs. 5 and 7);

thereafter, approving the purchase action with respect to the product or service; receiving, by the wireless communication device over the wireless communication link, a transaction code after authenticating the authentication code, and approving the purchase action with respect to the product or service, the transaction code capable of being displayed on the wireless communication device and for authorizing the fulfillment action at a point of fulfillment (para. # 0027, 0030-0031, figs. 5 and 7);

displaying the transaction code on a visual display of the wireless communication device (para. # 0027, 0030-0031, figs. 5 and 7); and

at the point of fulfillment, the transaction code from the visual display of the wireless communication device to permit personal bodily entry into or through a physical structure to complete the wireless transaction (para. # 0027, 0030-0031, figs. 4-5 and 7). Lewis does not specifically teach optically scanning the transaction code from the wireless communication device.

In a similar field of endeavor, Hymel et al teaches optically scanning the transaction code from the wireless communication device (displaying stored user information on the SCR10 in bar code format such that the stored user information can

be read at the point-of-sale by scanner se step 182, fig. 9, page 9, line 32-page 10, line 3, page 11, lines 14-20). Hymel et al teaches user information is stored in the selective call receiver. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Lewis by specifically adding optically scanning the first transaction code from the wireless communication device it for the purpose of increasing the efficiency of communication system, providing demographic information and to redeem code for users of selective call receiver as taught by Hymel et al.

Hymel et al teaches and transmitting a message to the wireless communications device indicating that the wireless transaction has been fulfilled (page. 12, lines 6-11). Hymel et al teaches user information is stored in the selective call receiver and providing information in bar code format on a display (28, fig. 1) SCR (mobile station). The display can display information in bar code format (Figs. 2 and 3). The information in bar code format can include user information in bar code format or an affinity code and an identifier in bar code format (page 4. line 3-13, The computer 138 may then instruct the messaging system 148 to send a message to the user's SCR to notify the user of the total coupon discounts that were applied in step 188). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Lewis by specifically adding a message to the wireless communications device indicating that the wireless transaction has been fulfilled it for the purpose of providing notification base on accepted transaction for increasing the efficiency of communication system as taught by Hymel et al. Lewis and Hymel et al.

does not specifically teach communicating a spoken authentication code from the wireless communication device to the transaction apparatus; authenticating the spoken authentication code.

In an analogous art, Ulvinen et al teaches communicating a spoken authentication code from the wireless communication device to the transaction apparatus; authenticating the spoken authentication code (col.4, lines 31-67, col.5, lines 1-28, fig. 3). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Lewis and Hymel by specifically adding authenticating the spoken authentication code it for the purpose of increasing the efficiency of communication system to provides an improved biometric system in particular a voice actuating recognition system that relies on a set of words or images as taught by Ulvinen et al.

Hymel et al, Lewis and Ulvinen et al do not specifically teach code being a two dimensional code.

In a similar field of endeavor, Melick teaches the first transaction code being a two dimensional (2D) image that encodes information in two dimensions (para. # 0035, 0041). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Lewis and Hymel et al by specifically adding transaction code being a two dimensional it for the purpose of increasing the efficiency of communication system, minimizes the need for middleware, and effectively reads standardized bar code symbology taught by Melick.

Response to Arguments

5. It appears that the previous final action is fail to address the amended limitation as recited in the claim 47, thus the previous final action is withdrawn. And the following action is including clarification art rejection and new 112 rejection.

Examiner Applicant's arguments filed in the 10-20-09 Remarks have been fully considered but they are not persuasive. Examiner has thoroughly reviewed applicant's arguments but firmly believes the cited reference to reasonably and properly meet the claimed limitations. Applicant's argument was that "at a third time distinct from the first time and the second time, optically scanning a second transaction code from the visual display of the wireless communication device to complete the wireless transaction". Examiner respectfully disagrees with this argument. Lewis describes a computer system (18) provides a screen to a handheld device, when it access the system over Internet. The screen has information relating to the selection of an event, purchasing of a ticket (22) for the event, payment for the ticket and generating the ticket to gain entrance at the event. The validation system (24) validates the ticket to allow entrance into the event. For allowing customer to gain access to and to display electronic form ticket with bar coded such as baseball season pass (season pass to be used to gain entrance at the event again and again), football season pass, cinema ticket, pass to amusement park, on the handheld devices such as personal communication system cellular telephones (para. # 0026-0027, 0030-0032). Hymel describes the display of bar coded information on a selective call receiver (SCR). Demographic information concerning the user of the SCR is stored in the SCR. The

demographic information is visually displayed on the SCR as a bar code such that it can be read by a bar code scanner, as in a store. A stored bar coded may also be displayed in bar code format so that it can be read and redeemed at the point-of-sale. A stored affinity card code and a unique identifier may also be displayed in bar code format so that they can be read to identify a selected affinity group and the customer at the point-of-sale. The bar coded coupons and bar coded demographic information displayed simultaneously. User is alerted so that he can select addition coupons to redeem one by one and the old coupon is deleted and next coupon is displayed and go through the coupon redemption cycle again {i.e., optically scanning a second transaction code from the visual display of the wireless communication device} (col. 8, line 35-col. 9, line 30).

Applicant describes in the original specification that optically scannable transaction code used to facilitate fulfillment of the transaction request. In subsequent operations disclosed herein, the FTB is displayed on a visual display of the wireless communication device for being optically scanned by a component of the transaction fulfillment system for enabling full or partial fulfillment of the transaction request.

Meilick teaches the method involves displaying an electronic document e.g. web page, associated with a software application on a video display e.g. television, associated with a computing device, where the electronic document comprises a two dimensional (2D) bar code. The 2d bar code data is decoded into information. The information is used to populate a data field associated with another software application that is executed on the computing device. The electronic document is partially filled-in by

scanning a paper document selected from the set including a driver's license, a credit card and an advertisement.

Lewis teaches movie ticket on bar code that can be used to view the same movie or can be used for the same season pass. However, Reference Lewis does not disclose that the ticket can be used for distinct movie. Hymel teaches that user select addition coupons to redeem one by one and the old coupon are deleted and next coupon is displayed and goes through the coupon redemption cycle again. Having said that combining prior art elements will yield same Predictable results as claimed by the Applicant.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KHAWAR IQBAL whose telephone number is (571)272-7909. The examiner can normally be reached on 9 am to 6.30 pm Monday to Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, GEORGE ENG can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/George Eng/
Supervisory Patent Examiner, Art Unit 2617

/K. I./
Examiner, Art Unit 2617